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Filing date: **09/28/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91189418
Party	Plaintiff Speed Channel, Inc.
Correspondence Address	Daniel E. Bruso Cantor Colburn LLP 20 Church Street, 22nd Floor Hartford, CT 06103-3207 UNITED STATES DBruso@cantorcolburn.com, DMayhew@cantorcolburn.com
Submission	Motion to Compel Discovery
Filer's Name	Daniel E. Bruso
Filer's e-mail	DBruso@cantorcolburn.com, DMayhew@cantorcolburn.com
Signature	/Daniel E. Bruso/
Date	09/28/2009
Attachments	2DZ8731.pdf (3 pages)(118882 bytes)

EXHIBIT I

Mayhew, Dawn

From: Hurh, Brian [BrianHurh@dwt.com]
Sent: Wednesday, September 16, 2009 2:07 PM
To: Bruso, Daniel
Cc: Mayhew, Dawn
Subject: RE: Conflict of Interest

Daniel,

Thank you for providing us with an explanation of your client's position on the conflicts issue. However, there is no conflict with respect to our representation of Phoenix 2008 LLC. While your email chronicles past matters where Davis Wright Tremaine attorneys represented Speedvision Network LLC, as you are well aware, an adversarial relationship against a former client does not, without more, create a conflict of interest warranting withdrawal or disqualification of an attorney and/or its firm. Nothing in your email suggests that the scope of our former representation of Speedvision Network LLC is related to the subject matter of our current representation of Phoenix 2008 LLC. Indeed, the past matters you cite are, in fact and by your own admission, wholly unrelated to the trademark matters at issue here. *See Plus Products v. Con-Stan Indus., Inc.*, 221 U.S.P.Q. 1071, 1074 (Comm'r Pat. & Trademarks 1984); *see also Finger Furniture Co. Inc. v. Finger Interests Number One, Ltd.*, 71 U.S.P.Q.2d 1287 (Comm'r Pat. & Trademarks 2004); *The Gilman Corp. v. The Gilman Brothers Co.*, 20 U.S.P.Q.2d 1238 (Comm'r Pat. & Trademarks 1991).

Your threat to petition the Board to disqualify Davis Wright Tremaine is not only unfounded but frivolous. In combination with your frivolous and hypercritical objections to Phoenix's discovery responses, your actions form a pattern of behavior that is obviously intended to harass my client, delay the progress of these proceedings, and multiply the cost of this litigation – conduct that is expressly prohibited by law, *see* 37 C.F.R. §§ 10.85(a)(1), 10.85(a)(2), and also is subject to disciplinary action, *see* 37 C.F.R. § 10.20(b). We therefore caution you and your client to cease asserting spurious claims, attempting to intimidate and harass our client, and otherwise utilizing unethical means to prevent our client from acquiring rights to marks to which your client has no rights.

If you would like to further discuss this matter, please feel free to call me at your convenience.

Sincerely,

Brian

Brian Hurh | Davis Wright Tremaine LLP
1919 Pennsylvania Avenue NW, Suite 200 | Washington, DC 20006
Tel: (202) 973-4279 | Fax: (202) 973-4499
Email: brianhurh@dwt.com | Website: www.dwt.com

From: Bruso, Daniel [mailto:DBruso@CantorColburn.com]
Sent: Wednesday, September 16, 2009 12:07 PM
To: Hurh, Brian
Cc: Mayhew, Dawn
Subject: Conflict of Interest

Brian,

When may we expect to receive your firm's response to our e-mail regarding the conflict of interest?

9/28/2009

Very truly yours,

DANIEL E. BRUSO
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9/28/2009